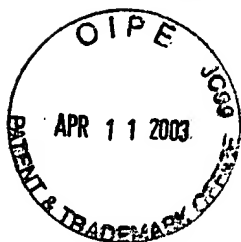


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\* Practice Limited to  
Federal Agencies

April 11, 2003

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Commissioner for Patents  
Washington, D.C. 20231

**Art Unit 1642**

Re: U.S. Non-Provisional Utility Patent Application  
Appl. No. 09/402,713; 102(e) Date: June 13, 2000  
For: **PCA3, PCA3 Genes, and Methods of Use**  
Inventor: **BUSSEMAKERS**  
Our Ref: 1619.0020001/SRL/AGU

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Fee Transmittal Form (PTO/SB/17);
2. Petition for Extension of Time Under 37 C.F.R. § 1.136(a)(1);
3. Notice of Appeal From the Examiner to the Board of Patent Appeals and Interferences - Small Entity;
4. Amendment and Reply Under 37 C.F.R. § 1.116;
5. Statements Concerning the Deposits;
6. Credit Card Payment Form in the amount of \$670.00: for \$45.00 Excess Claims Fee, \$465.00 Extension of Time Fee and \$160.00 Notice of Appeal; and
7. One (1) Return Postcard.

RECEIVED  
APR 15 2003  
TECH CENTER 1600/2900

Commissioner for Patents  
April 11, 2003  
Page 2

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Angelique G. Uy  
Agent for Applicant  
Registration No. 48,832

SRL/AGU/mhd  
Enclosures

::ODMA\MHODMA\SKGF\_DC1;120812;1



BUSSEMAKERS  
Appl. No. 09/402,713

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BUSSEMAKERS

Appl. No. 09/402,713 (U.S. Natl. Stage of  
PCT/CA98/00346; I.A. Filing Date: April 9,  
1998)

102(e) Date: June 13, 2000

For: PCA3, PCA3 Genes and Methods  
of Use

Confirmation No.: 6311

Art Unit: 1642

Examiner: Davis, Natalie A.

Atty. Docket: 1619.0020001/SRL/AGU

#  
20  
60  
4-16-03

## Statements Concerning the Deposits

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APR 15 2003

Commissioner for Patents  
Washington, D.C. 20231

TECH CENTER 1600/2900

Sir:

In reply to the Office Action dated October 11, 2002 (Paper No. 22), Applicant submits the following Statements concerning the biological deposits.

pMB9 was deposited at the Phabagen Collection, University of Utrecht, Padualaan 8, 3584 CH Utrecht (which is a division of the Centraalbureau voor Schimmelcultures, Oosterstratt1, Postbus 273, 3740 AG Baarn) under the regulations of the Budapest Treaty on April 10, 1997, and given accession number CBS 682.97.

ADD3.6 was deposited at the Phabagen Collection, University of Utrecht, Padualaan 8, 3584 CH Utrecht (which is a division of the Centraalbureau voor Schimmelcultures, Oosterstratt1, Postbus 273, 3740 AG Baarn) under the regulations of the Budapest Treaty on March 27, 1998, and given accession number CBS 100521.

Applicant advises that:

- a) during the pendency of this application, access to the deposits will be afforded to the Commissioner upon request;

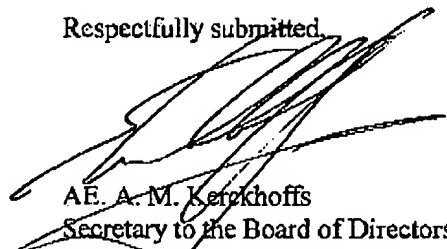
-2-

BUSSEMAKERS  
Appl. No. 09/402,713

- b) all restrictions upon the availability to the public of the deposited biological material will be irrevocably removed upon the granting of a patent on this application;
- c) the deposits will be maintained in a public depository for a period at least thirty years from the date of deposit or for the enforceable life of the patent or for a period of five years after the date of the most recent request for the furnishing of a sample of the deposited biological material, whichever is longest; and
- d) the deposits will be replaced if they should become nonviable or non replicable.

The undersigned hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the instant patent application or any patent issuing thereon.

Respectfully submitted,



A.E. A. M. Kerckhoffs  
Secretary to the Board of Directors  
University Hospital Nijmegen  
The Netherlands

Date: 270203

**FEE TRANSMITTAL  
for FY 2003**

Patent fees are subject to annual revision.

**Complete if Known**

Application Number 09/402,713  
 102 (e) Date June 13, 2000  
 First Named Inventor Marion J. G. BUSSEMAKERS  
 Examiner Name Misook YU  
 Group Art Unit 1642  
 Attorney Docket No. 1619.0020001/SRL/AGU

☐ Applicant claims small entity status. See 37 CFR 1.27
**TOTAL AMOUNT OF PAYMENT (\$670.00)****METHOD OF PAYMENT (check all that apply)**

☐ Check ☒ Credit card ☐ Money Order ☒ Other\*\* ☐ None  
 \*\* Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.

☐ Deposit Account  
 Deposit Account Number 19-0036

Deposit Account Name: Sterne, Kessler, Goldstein &amp; Fox P.L.L.C.

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any over payments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1105	160	2005	80	Provisional filing fee	

**SUBTOTAL (1) (\$) 0.00****2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Extra	Fee from below	Fee Paid
Total Claims 28 - 23** = 5	X 9.00	= 45.00
Indep. Claims 4 - 5 = 0	X 42.00	= 0
Multiple Dependent 0		= 0

Large Entity Fee Code	Small Entity Fee Code	Fee (\$)	Fee (\$)	Fee Description
1202	2202	18	9	Claims in excess of 20
1201	2201	84	42	Independent claims in excess of 3
1203	2203	280	140	Multiple dependent claim, if not paid
1204	2204	84	42	**Reissue independent claims over original patent
1205	2205	18	9	**Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2) (\$) 45.00**

\*\*or number previously paid, if greater; For Reissue, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1502	50	2052	25	Surcharge-late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	465.00
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	160.00
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$) 625.00****SUBMITTED BY**

Complete (if applicable)

Name (Print/Type)	Angelique G. Uy	Registration No. (Attorney/Agent)	48,832	Telephone	202-371-2600
Signature		Date	4/11/03		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2. SQA/DC:120782.1